



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,098	07/29/2003	Mikhail Bershteyn	M01	6366
7590 Mikhail Bershteyn 10820 Ashbourne Court Cupertino, CA 95014			EXAMINER LIU, CHIA-YI	
			ART UNIT 3609	PAPER NUMBER
			MAIL DATE 08/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/629,098

Applicant(s)

BERSHTEYN, MIKHAIL

Examiner

CHIA-YI LIU

Art Unit

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Art Unit: 3609

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-7 are rejected under 35 U.S.C. 102 (b) as being anticipated by Mumick et al. (6,006,107).

As per Claim 1.

Mumick discloses:

comparing said fixed interest rate with a time- varying market interest rate (market interest rate), see column 6, lines 33-34, column 4, lines 19-20, and column 2, lines 29-30.

computing an acceptable amount of loan payoff dependently on the difference between said market interest rate (current interest rate) and said fixed interest rate, see column 2, lines 36-41.

whereby a payoff amount (discounted prepayment) is smaller than the principal balance of the loan, the difference between loan balance and payoff amount comprising a loan discount that is offered to the borrower, see column 1, lines 63-64, 67-69.

As per Claim 5

Mumick discloses:

Art Unit: 3609

comparing the outstanding balance of the loan with the time-varying value that the loan obligation would fetch in the secondary market, see column 6, lines 33-34, column 4, lines 19-20

computing an acceptable amount of loan payoff dependently on the difference between said principal balance and said price, see column 2, lines 36-41, and column 6, lines 3-12

whereby a payoff amount (discounted prepayment) is smaller than the principal balance of the loan, the difference between loan balance and payoff amount comprising a loan discount that is offered to the borrower, see column 1, lines 63-64, 67-69.

As per Claim 2, 6

Mumick further discloses:

borrower prepays full or partial principal amount of debt at a discount, directly to the lender that holds the mortgage obligation, see column 3, lines 43-47. (Loan holder perform process for those customer accounts implies that repayment is paid directly to the loan holder/lender)

As per Claim 3, 7

Mumick further discloses:

third party acquires a mortgage loan from the current lender at the price prevailing in the secondary market for such loans, and then offers the borrower to prepay, in part or in full, principal amount of loan at a discount, see column 8 lines 39-42. (Lender charges third party greater interest rate/ current market interest, allowing borrower the option of repayment discount)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

Art Unit: 3609

matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4,8 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Mumick (6,006,107) in view of Descloux (U.S. 2004/0128232)

Mumick ('107) teaches that third party offers borrowers to prepay, in part or in full, principal amount of loan at a discount. However, Mumick does not specifically disclose third party acquires the portfolio of mortgage loans which display a statistically meaningful tendency of borrowers to repay their loan.

Descloux ('232) teaches acquiring the portfolio of mortgage loans which display a statistically meaningful tendency of borrowers to repay their loan (forecasting loan prepayments), see paragraph 0054, lines 8-12.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Mumick ('107) to include acquiring the portfolio of mortgage loans for the benefit of seeking out borrowers willing to repay.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIA-YI LIU whose telephone number is (571) 270-1573. The examiner can normally be reached on Mon-Thur alternating Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TOM DIXON can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CHIA-YI LIU
Examiner
Art Unit 3609


THOMAS A. DIXON
SUPERVISORY PATENT EXAMINER